

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. **96700/826**First Inventor **Herman Buschke**Title **MEMORY TESTS USING ITEM SPECIFIC-WEIGHTED****MEMORY MEASUREMENTS AND USES THEREOF**Express Mail Label No. **EV 337091215 US****APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages **70**]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets **3**]
5. Oath or Declaration [Total Pages **3**]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Commissioner for Patents
Mail Stop Patent Application
Alexandria, VA 22313-1450

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement Power of (when there is an assignee) Attorney
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: **Cover Letter and Check for \$417.00 to Cover Filing Fee**

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

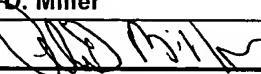
 Continuation Divisional Continuation-in-part (CIP) of prior application No. **09,924,375**
Prior application information: Examiner **Michael C. Astorino** Group Art Unit: **2196**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	(Insert Customer No. or Attach bar code label here)		<input type="checkbox"/> Correspondence address below
--	---	--	---

Names	Alan D. Miller			
Address	Amster, Rothstein & Ebenstein			
City	New York	State	New York	Zip Code 10016
Country	USA	Telephone	(212) 336-8000	Fax (212) 336-8001

Name (Print/Type)	Alan D. Miller	Registration No. (Attorney/Agent)	42,889
Signature			Date August 28, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Mail Stop Patent Application, Alexandria, VA 22313-1450.

0746 US 5 Pro
010/650371
08/28/03

13049 U.S.
08/28/03
PTO

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 417.00)

Compl t if Known	
Application Number	
Filing Date	Herewith
First Named Inventor	Herman Buschke
Examiner Name	
Art Unit	
Attorney Docket No.	96700/826

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number	01-1785
Deposit Account Name	

The Commissioner is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Fee Code (\$)	Small Entity	Fee Code (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	375.00
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)		(\$)		375.00	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
18	-20** = 0	X 0	= 0
Independent Claims 4	- 3** = 1	X 42.00	= 42.00
Multiple Dependent		0	= 0

Large Entity	Small Entity	Fee Description
1202	18	2202 9 Claims in excess of 20
1201	84	2201 42 Independent claims in excess of 3
1203	280	2203 140 Multiple dependent claim, if not paid
1204	84	2204 42 ** Reissue independent claims over original patent
1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 42.00)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity

Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051 65 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
1053	130	1053 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
1251	110	2251 55 Extension for reply within first month	
1252	410	2252 205 Extension for reply within second month	
1253	930	2253 465 Extension for reply within third month	
1254	1,450	2254 725 Extension for reply within fourth month	
1255	1,970	2255 985 Extension for reply within fifth month	
1401	320	2401 160 Notice of Appeal	
1402	320	2402 160 Filing a brief in support of an appeal	
1403	280	2403 140 Request for oral hearing	
1451	1,510	1451 1,510 Petition to institute a public use proceeding	
1452	110	2452 55 Petition to revive - unavoidable	
1453	1,300	2453 650 Petition to revive - unintentional	
1501	1,300	2501 650 Utility issue fee (or reissue)	
1502	470	2502 235 Design issue fee	
1503	630	2503 315 Plant issue fee	
1460	130	1460 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806 180 Submission of Information Disclosure Stmt	
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
1809	750	2809 375 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810 375 For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801 375 Request for Continued Examination (RCE)	
1802	900	1802 900 Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Alan D. Miller	Registration No. (Attorney/Agent)	42,889	Telephone	(212) 336-8000
Signature				Date	August 28, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

AMSTER, ROTHSTEIN & EBENSTEIN

MORTON AMSTER
JESSE ROTHSTEIN (1934-2003)
DANIEL S. EBENSTEIN
PHILIP H. GOTTFRIED
MICHAEL J. BERGER

NEIL M. ZIPKIN
ANTHONY F. LO CICERO
KENNETH P. GEORGE
ABRAHAM KASDAN, PH.D.
IRA E. SILFIN
CHESTER ROTHSTEIN
CRAIG J. ARNOLD

SENIOR COUNSEL

CHARLES R. MACEDO
MARK J. ROSENBERG
KENNETH M. BERNSTEIN

OF COUNSEL
JERRY D. DAINOW

ATTORNEYS AT LAW

PATENTS • TRADEMARKS • COPYRIGHTS

90 PARK AVENUE
NEW YORK, NEW YORK 10016

TELEPHONE: (212) 697-5995
FACSIMILE: (212) 286-0854

NEAL L. ROSENBERG
DENISE A. LINDENAUER
NANCY M. DODDERIDGE
PATRICK BOLAND*
TREBOR LLOYD
JOSEPH M. CASINO
JOHN S. ECONOMOU
MICHAEL V. SOLOMITA
HOLLY PEKOWSKY
MICHAEL P. KENNEY
MARION P. METELSKI*
MAX VERN
DANA R. METES
KARL J. KOLBINGER

BRIAN A. COMACK
RICHARD S. MANDARO
NATALIE BOGDANOS
MARC J. JASON
ELIE H. GENDLOFF, PH.D.*
DAVID MITNICK
CHARLES W. RATH
BERNARD MAISTER, M.D.*
DAVID A. BOAG
KAREN J. BERNSTEIN
MATTHIEU HAUSIG
JUNG HAHM
REIKO KAJI
ALAN MILLER, PH.D.

*NOT ADMITTED IN NEW YORK

August 28, 2003

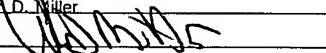
via Express Mail

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

"Express Mail" mailing label No. EV 337091215 US
Date of Deposit: August 28, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: Alan D. Miller

Signature: 

Re: Rule 1.53(b) Continuation Application of
Application No. 09/924,375
Title: MEMORY TESTS USING ITEM SPECIFIC-WEIGHTED
MEMORY MEASUREMENTS AND USES THEREOF
Inventor: Herman Buschke
Our File: 96700/826

Dear Sir:

Enclosed please find the following documents for filing with the above-identified Continuation Application in the name of Herman Buschke, entitled MEMORY TESTS USING ITEM SPECIFIC-WEIGHTED MEMORY MEASUREMENTS AND USES THEREOF, comprising the following:

1. Utility Patent Application Transmittal (1 page);
2. Fee Transmittal Form (1 page);
3. A copy of the prior complete Application including Specification (63 pages), Claims (6 pages), Abstract (1 page), Figures (3 Sheets);
4. A Copy of the Declaration and Power of Attorney (3 pages) as filed in Grand Parent U.S. Patent Application No. 09/369,651;

Commissioner for Patents

-2-

August 28, 2003

5. Preliminary Amendment and Information Disclosure Statement (9 pages) with Form PTO/SB/08A-B (3 pages);
6. Check for \$417.00 to cover the filings fee that was calculated based on the number of claims remaining in the application after entry of the Preliminary Amendment; and
7. Return Receipt Postcard.

Please acknowledge receipt of the enclosed papers by stamping the enclosed postcard and returning the same to us.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN
Attorneys for Applicant
90 Park Avenue
New York, New York 10016
(212) 697-5995

Dated: August 28, 2003
New York, New York

By: 

Alan D. Miller
Registration No. 42,889